

REMARKS

Pending Claims 1-7, 10 and 12-26 have been rejected under §§ 102, 103 and 112. Claims 8, 9 and 11 are canceled. Applicant respectfully traverses the non-final rejection for the reasons provided below.

Claim 12 was previously, inadvertently cancelled, and is now reinstated and clarified to depend upon Claim 1.

The Examiner's careful and comprehensive office actions and detailed explanations are greatly appreciated. Applicant has carefully considered the Examiner's remarks. Applicant has clarified the claims and believes that they patentably define over the cited prior art, for the reasons presented below.

By way of background, Applicant's invention is believed to be a technological advance over the prior art because Applicant designed crossbar connections enabling tow devices (e.g., wheel lifts, tow bars, etc.) to be easily and quickly coupled to or disconnected from the crossbar, in the field, by unskilled field personnel. No known device in the industry provides these features (other than, in at least some respects, the copycat device of record). In the preferred embodiment, the receiver 35/wheel lift 52 combination may be removed from crossbar 30 simply by: (1) removing pivot pin 57 (decoupling cylinder rod end 75a -- see, e.g., page 10, first full ¶, and FIGURE 5 of the application); and (2) twisting cam lock 40 (decoupling receiver 35 from crossbar 30 -- see, e.g., page 10, 2nd ¶, and FIGURES 7-10 of the application).

Applicant notes that the claims recite the use of a wheel lift with arms that are powered to move in a horizontal plane back and forth. Peterson completely fails to disclose such a device, as explained below, so it cannot remedy the Nolasco deficiencies.

§ 112 Rejections

Claims 1-10 and 13-26 were rejected under § 112 as indefinite, in light of the use of the terms “rapid” and “quickly.” With the exception of Claim 19, these terms have been cancelled from the claims. Accordingly, the § 112 rejections are believed moot other than as to Claim 19 and dependent Claims 20-24 and 26. As to these claims, Applicant continues to believe that the terms in question, as understood by those of ordinary skill in the art, are sufficiently definite.

§ 102 Rejections

Claims 1-15, 8-10, 13, 15-18 and 25-26 were rejected under § 102(b) as anticipated by Nolasco. These rejections are respectfully traversed. The record developed here shows that Nolasco discloses complex coupling mechanisms in which many parts must be disassembled (e.g., springs 31 nuts 35, plates 12a, 12b, etc.) before the receiver/wheel lift combination can be removed from the crossbar. Accordingly, Nolasco cannot anticipate amended Claim 1, which recites that this removal can be accomplishing using an engaging mechanism (such as a cam lock, Claims 6-7) holding the receiver to the crossbar, and a removable pivot means (e.g., a locking pin, Claim 12) holding the receiver to the cylinder/powering mechanism.

§ 103 Rejections

Claims 6 and 7 were rejected as obvious over Nolasco and Kiefer, Claim 14 was rejected as obvious over Nolasco, and Claims 19-24 were rejected as obvious over Nolasco and Peterson. These rejections are respectfully traversed for the reasons stated below.

Nolasco and Kiefer (Claims 6 and 7)

This obvious rejection is believed improper for the same reasons as argued above, concerning the anticipation rejection. In addition, Applicant states as follows.

The Examiner finds that Nolasco “does not elaborate on the coupling mechanisms” (12/27/07 Office Action, at 4, ¶ 1.1). However, Nolasco specifically discloses that plate 35 is welded to hollow receiver/slider arms 16, 17 (Nolasco, col. 6: 1-8, and FIGURE 3); as such, Nolasco *cannot* accommodate a cam lock for removing the receivers from the crossbar – quite simply, Nolasco teaches away from this accommodation. The cam lock in Kiefer is used for a completely different purpose -- to adjust the wheel lift up and down relative to the receiver (Kiefer, col. 5: 23-35) – not to remove the receiver from the crossbar. Kiefer does not elaborate on the receiver connection to the crossbar, stating only that they are “coupled” (col. 4:36-39). In contrast, the present invention uses a cam lock to quickly remove the receiver from the cross bar. There is no suggestion in Kiefer to utilize the cam lock in the manner recited by Claim 1 of the present invention. Given Nolasco’s teaching away, and Kiefer’s deficiency, the obviousness rejection is traversed.

Nolasco (Claim 14)

This obvious rejection is believed improper for the same reasons as argued above, concerning the anticipation rejection.

Nolasco and Peterson (Claims 19-24)

Applicant agrees that Nolasco “fails to teach rapidly disassembling the wheel lift and replacing it with an alternate towing apparatus” (12/27/07 OA, at 5, ¶ 3.1). Nolasco uses upper and lower plates 12a, 12b, fastener 12c,, fastener 25, etc. which must be removed before the receivers may be removed from the hydraulic cylinders. Welded plates 35 and springs 31, for example, must be removed before the receiver can be removed from the crossbar. Peterson’s teaching does not repair Nolasco’s deficiencies – Peterson utilizes lift cylinders only for moving ram 85 and boom 21 (see, e.g., Peterson, 4:53-55; 7:9-11). Peterson is nonanalogous art because it completely fails to disclose powering mechanisms, such as hydraulic cylinders, for pivoting the arms of a wheel lift in a horizontal plane. Peterson cannot possibly cure Nolasco’s deficiencies in this regard.

Conclusion

For the foregoing reasons, an allowance of pending Claims 1-7, 10 and 12-26 is respectfully requested. If the next written communication is intended to be other than a notice of allowance, Applicant requests that the undersigned be contacted prior to the issuance of such communication.

Respectfully submitted,

s/Michael P. Mazza/
Michael P. Mazza
Registration No. 34,092
Michael P. Mazza, LLC
686 Crescent Blvd.
Glen Ellyn, IL 60137-4281
P: 630-858-5071
F: 630-282-7123
Email: mazza@mazzallc.com

Dated: March 24, 2008

Attorney for Applicant